

CONTINUATION IN SUPPORT OF APPLICATION FOR ARREST WARRANT

I, Sara Choi, being duly sworn, depose and state as follows:

Introduction

1. This continuation is submitted for the purpose of obtaining an arrest warrant for DYLAN DAWAINE SPENCER for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives and have been employed since March 2020. I completed twelve weeks of Criminal Investigative Training and fourteen weeks of Special Agent Basic Training. Prior to my employment with the ATF, I was a public safety officer with the Kalamazoo Department of Public Safety for approximately thirteen years (eleven years as a uniformed officer and two years as a detective). My responsibilities include the investigation of criminal violations of Titles 18 and 21 of the United States Code. I am currently assigned to the ATF Field Office in Grand Rapids, Michigan.

Probable Cause

July 2023 Shooting Death

3. On July 2, 2023, around 2:30 am, police responded to a shooting near the Berrien Homes in Benton Township, Michigan.

4. Police found the victim lying on the ground outside, nonresponsive, in a pool of blood. He had two gunshot wounds. Police and medical personnel

attempted to render aid and resuscitate the victim but were unsuccessful. The victim was declared dead at 3:06 am.

5. There were three nine-millimeter casings near the victim.

6. Investigators obtained surveillance video that captured the shooting. It showed that the victim, carrying a rifle down and by his side, approach the shooter. They stood face to face, in very close proximity, before the shooter pushed the victim, then drew a pistol and shot him.



7. Witnesses identified the shooter as DYLAN SPENCER.

September 2023 Traffic Stop

8. On September 8, 2023, police saw a car in Benton Township commit several traffic infractions, including defective brake light, defective turn signal, and improper turn. Police activated overhead lights, but the car did not stop until pulling into a residential driveway.

9. Despite orders to stay in the car, the driver, DYLAN SPENCER, immediately got out of the car, walked to another car parked nearby, and threw

something underneath. After detaining SPENCER, officers looked under that car and found a loaded 9-millimeter Taurus pistol.¹

10. The gun was reported stolen in August 2022, from a parked car in Benton Harbor.

11. Investigators determined that the gun was manufactured outside the state of Michigan, in either Brazil, Florida or Georgia.

12. DYLAN SPENCER was prohibited from possessing a firearm because he had been convicted of the following felony offenses in the Second Circuit Court for Berrien County:

a. Resisting and Obstructing Police, Mich Comp. Laws § 850.81d(1)
– 2017

b. Attempted Carrying a Concealed Weapon, Mich. Comp. Laws §
750.227 – 2017

Conclusion

13. Based on the facts described above, I believe that there is probable cause to believe that DYLAN SPENCER has violated Title 18, United States Code, Section 922(g)(1), felon in possession of a firearm.

¹ Comparison between this gun and the casings found at the scene of the July 2023 shooting is pending.